

O I P E  
MAY 30 2002

Docket No.: 0010-1070-0

RCE 1652  
#16  
06/04/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF Vitaliy Arkadyevich LIVSHITS, et al.

SERIAL NO: 09/466,935

GAU: 1652

EXAMINER: D. STEADMAN

FILED: DECEMBER 20, 1999

FOR: NOVEL THREONINE RESISTANCE GENE

TECH CENTER 1600/2900

JUN 03 2002

RECEIVED

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

This is a request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

**Submission required under 37 C.F.R. §1.114**

Previously Submitted:

- Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on  
 Consider the arguments in the Appeal Brief or Reply Brief previously filed on

Enclosed:

- Amendment/Reply  
 Information Disclosure Statement (IDS)  
 Other: Preliminary Amendment w/Marked-Up Copy

FEES	RATE	CALCULATIONS
<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of months.	\$130.00	\$0.00
<input checked="" type="checkbox"/> RCE Fee required under 37 C.F.R. §1.17(e)	\$740.00	\$740.00
<input checked="" type="checkbox"/> Fee for additional Independent Claims in Excess of 3		\$168.00
<input checked="" type="checkbox"/> Fee for additional Claims in Excess of 20		\$108.00
TOTAL OF ABOVE CALCULATIONS:		\$1,016.00
<input type="checkbox"/> REDUCTION BY 50% FOR FILING AS SMALL ENTITY		\$0.00
TOTAL:		\$1,016.00

- A check in the amount of \$1,016.00 is enclosed  
 Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.  
 If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 CFR 1.136, and any additional fees required under 37 CFR 1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate of this sheet is enclosed.

05/31/2002 BABRAKA1 00000033 09466935

01 FC:179  
02 FC:103  
03 FC:102

740.00 OP  
108.00 OP  
168.00 OP

Respectfully Submitted,

OBOLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Registration No. 24,618



22850

Customer Number 22850  
Tel. (703) 413-3000  
Fax. (703) 413-2220

Daniel J. Pereira, Ph.D.  
Registration No. 45,518



RECEIVED

JUN 03 2002 #1718

TECH CENTER 1600/2900 AB  
06/04/02

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

IN RE APPLICATION OF :

Vitaliy Arkadyevich LIVSHITS et al. : GROUP ART UNIT: 1652

SERIAL NO: 09/466,935 : EXAMINER: D. STEADMAN

FILED: DECEMBER 20, 1999 : RCE FILED: HEREWITH

FOR: NOVEL THREONINE RESISTANCE GENE

**PRELIMINARY AMENDMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Applicants are submitting herewith a Request for Continued Examination and therefore request entry of the following amendments.

**IN THE CLAIMS**

Please amend the claims as shown in the attached marked-up copy to read as follows:

--11. (Amended) An isolated bacterium belonging to the genus *Escherichia*, wherein said bacterium is modified to increase an activity of a protein which makes the bacterium harboring the protein L-threonine-resistant, and wherein the protein comprises the amino acid sequence shown in SEQ ID NO: 4.

12. (Amended) The bacterium according to claim 11, wherein said bacterium is further modified to increase an activity of a protein which makes the bacterium harboring the protein L-homoserine-resistant, and wherein the protein comprises the amino acid sequence shown in SEQ ID NO: 2.